

Internal Revenue Service

[Delegation Order No. 67 (Rev. 19)]

Delegation of Authority

AGENCY: Internal Revenue Service,
Treasury.

ACTION: Delegation of authority.

SUMMARY: The specific authorization to sign the name of, or on behalf of, Fred T. Goldberg, Jr., Commissioner of Internal Revenue. The text of the Delegation Order appears below.

EFFECTIVE DATE: July 5, 1989.

FOR FURTHER INFORMATION CONTACT:
Melva E. Scruggs, PFR:P:I, Room 3524,
1111 Constitution Avenue NW.,
Washington, DC 20224, (202) 566-4273
(Not a Toll-Free Telephone Call)

Order No. 67 (Rev. 19)

Effective date: July 5, 1989.

Signing the Commissioner's Name or
on His Behalf:

Effective 9:00 a.m., July 5, 1989, all
outstanding authorizations to sign the
name of, or on behalf of, Michael J.

Murphy, Acting Commissioner of
Internal Revenue, are hereby amended
to authorize the signing of the name of,
or on behalf of, Fred T. Goldberg, Jr.,
Commissioner of Internal Revenue.

Delegation Order No. 67 (Rev. 18)
effective March 4, 1989, is superseded.

Approved:

Fred T. Goldberg, Jr.,
Commissioner.

Date: July 5, 1989.

[FR Doc. 89-16558 Filed 7-13-89; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 134

Friday, July 14, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE (NCLIS)

White House Conference Advisory
Committee

DATE AND TIME: August 3, 1989.

PLACE: The Embassy Suites Hotel,
Delegate Room, 1250 22nd Street NW.,
Washington, DC 20037.

STATUS: August 3, 1989, 9:00 a.m.-3:30 p.m., Open.

MATTERS TO BE DISCUSSED: White House Conference on Library and Information Services Conference II Advisory Committee Subcommittee Reports

- WHCLIS II Resources
- WHCLIS II Structure Committee
- Preconference Activities Committee
- Public Relations And Awareness Committee
- Public And Private Sector Liaisons Committee

Status Report on Administrative Items
Review of Formula for Funding States.

Special provisions will be made for handicapped individuals by contacting John W. A. Parsons (1 202) 254-3100, no later than one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: John W. A. Parsons, NCLIS Staff, 1111 18th Street NW., Suite 310, Washington, DC 20036, (1 202) 254-3100.

Dated: July 11, 1989.

John W. A. Parsons,
Staff Assistant for the White House
Conference.

[FR Doc. 89-16644 Filed 7-12-89; 10:01 am]

BILLING CODE 7527-01-M

Corrections

Federal Register

Vol. 54, No. 134

Friday, July 14, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-060-09-4212-14, WYW-101839]

Realty Action; Direct Sale of Public Land in Johnson County, Wyoming

Correction

In notice document 89-14937 beginning on page 26433 in the issue of Friday, June 23, 1989, make the following corrections:

1. On page 26433, in the table, in the second column, the entry should read

"T. 41 N., R. 79 W., 6th P.M. Section 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ".

2. On the same page, in the same table, in the fourth column, the entry should read "1,400.00."

3. On the same page, in the third column, in the last paragraph, in the fifth line "17091" should read "1701".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 89-AGL-3]

Establishment of Transition Area; Chetek, WI

Correction

In rule document 89-14900 appearing on page 26373 in the issue of Friday, June 23, 1989 make the following correction:

On page 26373, in the first column, under **SUPPLEMENTARY INFORMATION**, in the first paragraph, in the sixth line, "Chetec" should read "Chetek".

BILLING CODE 1505-01-D

DEPARTMENT OF TREASURY

Fiscal Service

[Dept. Circ. 570, 1988-Rev., Supp. No. 18]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Industrial Indemnity Co., et al.

Correction

In notice document 89-14882 appearing on page 26462 in the issue of Friday, June 23, 1989, make the following correction:

On page 26462, under Department of the Treasury, in the table, under "Company name", the fourth entry should read "North River Insurance Co."

BILLING CODE 1505-01-D

Friday
July 14, 1966

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20250

TO: DIRECTOR, BUREAU OF LAND MANAGEMENT
FROM: SAC, DENVER (100-100000)
SUBJECT: [Illegible]

[Illegible text follows]

RE: [Illegible]
[Illegible text follows]

RE: [Illegible]
[Illegible text follows]

Environmental
Protection Agency

TO: DIRECTOR, ENVIRONMENTAL PROTECTION AGENCY
FROM: SAC, DENVER (100-100000)
SUBJECT: [Illegible]

[Illegible text follows]

[Large vertical stamp or text, illegible]

Register

Friday
July 14, 1989

Part II

Environmental Protection Agency

40 CFR Part 300

National Priorities List for Uncontrolled
Hazardous Waste Sites—Update #9;
Federal Facility Sites; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3615-2]

National Priorities List for Uncontrolled Hazardous Waste Sites: Update #9—Federal Facility Sites

AGENCY: Environmental Protection Agency

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency ("EPA") is proposing the ninth update to the National Priorities List ("NPL"). This update proposes to add 52 sites to the Federal facilities section of the NPL. These sites are located on facilities that currently are owned or operated by the Federal government. In this update, EPA also proposes to expand one Federal facility site that is on the final NPL. The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan ("NCP"), which was promulgated on July 16, 1982, pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") and Executive Order 12316. CERCLA was amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). CERCLA requires that the NCP include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States, and that the list be revised at least annually. The NPL, initially promulgated on September 8, 1983 (48 FR 40658), constitutes this list.

These sites are being proposed because they meet the listing requirements of the NPL. This notice provides the public with an opportunity to comment on placing these sites on the NPL.

This proposed rule brings the number of proposed NPL sites to 335, 74 of them in the Federal section; 889 are on the final NPL, 41 of them in the Federal section. Final and proposed sites now total 1,224.

DATES: Comments must be submitted on or before September 12, 1989.

ADDRESSES: Comments may be mailed to Larry Reed, Acting Director, Hazardous Site Evaluation Division (Attn: NPL Staff), Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Addresses for the Headquarters and Regional dockets are provided below. For further details on what these

dockets contain, see the Public Comment Section, Section I, of the **SUPPLEMENTARY INFORMATION** portion of this preamble.

Tina Maragousis, Headquarters, U.S. EPA CERCLA Docket Office, Waterside Mall, 401 M Street, SW., Washington, DC 20460, 202/382-3046.
Evo Cunha, Region 1, U.S. EPA Waste Management Records Center, HES-CAN 6, John F. Kennedy Federal Bldg., Boston, MA 02203, 617/573-5729.
U.S. EPA, Region 2, Document Control Center, Superfund Docket, 26 Federal Plaza, 7th Floor, Room 740, New York, NY 10278, Latchmin Serrano 212/264-5540, Ophelia Brown 212/264-1154.
Diane McCreary, Region 3, U.S. EPA Library, 5th Floor, 841 Chestnut Bldg., 9th & Chestnut Streets, Philadelphia, PA 19107, 215/597-0580.
Gayle Alston, Region 4, U.S. EPA Library, Room G-6, 345 Courtland Street, NE., Atlanta, GA 30365, 404/347-4216.
Cathy Freeman, Region 5, U.S. EPA 5HSM-12, 230 South Dearborn Street, Chicago, IL 60604, 312/886-6214.
Deborah Vaughn-Wright, Region 6, U.S. EPA, 1445 Ross Avenue, Mail Code 6H-MA, Dallas, TX 75202-2733, 214/655-6740.
Brenda Ward, Region 7, U.S. EPA Library, 726 Minnesota Avenue, Kansas City, KS 66101, 913/236-2828.
Dolores Eddy, Region 8, U.S. EPA Library, 999 18th Street, Suite 500, Denver, CO 80202-2405, 303/293-1444.
Linda Sunnen, Region 9, U.S. EPA Library, 6th Floor, 215 Fremont Street, San Francisco, CA 94105, 415/974-8082.
David Bennett, Region 10, U.S. EPA, 9th Floor, Mail Stop HW-093, 1200 6th Avenue, Seattle, WA 98101, 206/442-2103.

FOR FURTHER INFORMATION CONTACT: Martha Otto, Hazardous Site Evaluation Division, Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or the RCRA/Superfund Hotline at (800) 424-9346 (or 382-3000 in the Washington, DC, metropolitan area).

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Purpose and Implementation of the NPL
- III. Statutory Requirements and Listing Policies
- IV. Contents of Proposed NPL Update #9
- V. Regulatory Impact Analysis
- VI. Regulatory Flexibility Act Analysis

I. Introduction

Background

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA" or "the Act"), in response to the dangers of uncontrolled hazardous waste sites. CERCLA was amended on October 17, 1986, by the Superfund Amendments and Reauthorization Act ("SARA"), Pub. L. No. 99-499, stat. 1613 *et seq.* To implement CERCLA, the Environmental Protection Agency ("EPA" or the "Agency") promulgated the revised National Oil and Hazardous Substances Contingency Plan ("NCP"), 40 CFR Part 300, on July 16, 1982 (47 FR 31180), pursuant to CERCLA section 105 and Executive Order 12316 (46 FR 42237, August 20, 1981). The NCP, further revised by EPA on September 16, 1985 (50 FR 37624), and November 20, 1985 (50 FR 47912), sets forth the guidelines and procedures needed to respond under CERCLA to releases and threatened releases of hazardous substances, pollutants, or contaminants. On December 21, 1988 (53 FR 51394), EPA proposed further revisions to the NCP in response to SARA.

Section 105(a)(8)(A) of CERCLA, as amended by SARA, requires that the NCP include criteria for determining priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action and, to the extent practicable, take into account the potential urgency of such action for the purpose of taking removal action. Removal action involves cleanup or other actions that are taken in response to emergency conditions or on a short-term or temporary basis (CERCLA section 101(23)). Remedial action tends to be long-term in nature and involves response actions that are consistent with a permanent remedy for a release (CERCLA section 101(24)). Criteria for determining priorities for possible remedial actions financed by the Trust Fund established under CERCLA are included in the Hazard Ranking System ("HRS"), which EPA promulgated as Appendix A of the NCP, (47 FR 31219, July 16, 1982). On December 23, 1988 (53 FR 51962), EPA proposed revisions to the HRS in response to SARA. EPA intends to issue the revised HRS as soon as possible. However, until the proposed revisions have been subject to public comment and put into effect, EPA will continue to propose and promulgate sites using the current HRS, in accordance with CERCLA section 105(c)(1) and

Congressional intent, as explained on March 31, 1989 (54 FR 13299).

Section 105(a)(8)(B) of CERCLA, as amended, requires that the statutory criteria provided by the HRS be used to prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The list, which is Appendix B of the NCP, is the National Priorities List ("NPL"). Section 105(a)(8)(B) also requires that the NPL be revised at least annually. A site can undergo CERCLA-financed remedial action only after it is placed on the NPL, as provided in the NCP at 40 CFR 300.66(c)(2) and 300.68(a).

An original NPL of 406 sites was promulgated on September 8, 1983 (48 FR 40658). The NPL has been expanded since then, most recently on March 31, 1989 (54 FR 13296). The Agency also has published a number of proposed rulemakings to add sites to the NPL, most recently Update #8 on May 5, 1989 (54 FR 19526).

EPA may delete sites from the NPL where no further response is appropriate, as explained in the NCP at 40 CFR 300.66(c)(7). To date, the Agency has deleted 27 sites from the final NPL, most recently on May 31, 1989 (54 FR 23212), when Voortman Farm, Upper Saucon Township, Pennsylvania, was deleted.

This notice proposes to add 52 sites to the Federal facilities section of the NPL, bringing the number of proposed sites to 335, 74 of them in the Federal section. The final NPL contains 889 sites, 41 of them in the Federal section, for a total of 115 Federal sites. Final and proposed sites total 1,224.

The NPL includes sites at which there are or have been releases or threatened releases of hazardous substances, pollutants, or contaminants. The discussion below may refer to "releases or threatened releases" simply as "releases," "facilities," or "sites."

Public Comment Period

This Federal Register notice opens the formal 60 day comment period for NPL Update #9. Comments may be mailed to Larry Reed, Acting Director, Hazardous Site Evaluation Division (Attn: NPL staff), Office of Emergency and Remedial Response (OS-230), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The Headquarters and Regional public dockets for the NPL (see ADDRESSES portion of this notice) contain documents relating to the scoring of these proposed sites. The dockets are available for viewing, by appointment only, after the appearance of this notice.

The hours of operation for the Headquarters docket are from 9:00 a.m. to 4:00 p.m., Monday through Friday excluding Federal holidays. Please contact individual Regional dockets for hours.

The Headquarters docket for NPL Update #9 contains HRS score sheets for each proposed site, a Documentation Record for each site describing the information used to compute the score, a list of documents referenced in the Documentation Record, and pertinent information for any site affected by statutory requirements and listing policies.

Each Regional docket includes all information available in the Headquarters docket for sites in that Region, as well as the actual reference documents, which contain the data that EPA relied upon in calculating or evaluating the HRS scores for sites in that Region. These reference documents are available only in the Regional dockets. They may be viewed, by appointment only, in the appropriate Regional Docket or Superfund Branch Office. Requests for copies may be directed to the appropriate Regional Docket or Superfund Branch.

An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any of these documents.

EPA considers all comments received during the formal comment period. During the comment period, comments are available to the public only in the Headquarters docket. A complete set of comments pertaining to sites in a particular EPA Region will be available for viewing in the Regional docket approximately one week after the formal comment period closes.

Comments received after the comment period closes will be available in the Headquarters docket and in the appropriate Regional Office docket on an "as received" basis. An informal written request, rather than a formal request, should be the ordinary procedure for obtaining copies of any comments. After considering the relevant comments received during the comment period, EPA will add to the NPL all proposed sites that meet EPA's requirements. In past NPL rulemakings, EPA has considered, to the extent practicable, comments received after the close of the comment period. EPA will attempt to do so in this rulemaking as well.

Early Comments

In certain instances, interested parties have written to EPA concerning sites that were not at that time proposed to the NPL. If those sites are later proposed

to the NPL, parties should review their earlier concerns and, if they still consider them appropriate, resubmit those concerns for consideration during the formal comment period. Site-specific correspondence received prior to formal proposal generally will not be included in the docket.

Comments Lacking Specificity

EPA anticipates that some comments will consist of or include additional studies or supporting documentation, e.g., hydrogeology reports, lab data, and previous site studies. Where commenters do not indicate what specific scoring issues the supporting documentation addresses, or what they want EPA to evaluate in the supporting documentation, EPA can only attempt to respond to such documents as best it can. Any commenter submitting additional documentation should indicate what specific points in that documentation EPA is to consider. As the U.S. Court of Appeals for the District of Columbia Circuit noted in *Northside Sanitary Landfill v. Thomas and EPA*, 849 F.2d 1516, 1520 (D.C. Cir. 1988), cert. denied, ___ U.S. ___ (March 20, 1989), during notice-and-comment rulemaking a commenter must explain with some specificity how any documents submitted are relevant to issues in the rulemaking.

Availability of Information

EPA has published a statement describing what background information (resulting from the initial investigation of potential CERCLA sites) the Agency discloses in response to Freedom of Information Act requests (52 FR 5578, February 25, 1987).

II. Purpose and Implementation of the NPL

The primary purpose of the NPL is stated in the legislative history of CERCLA (Report of the Committee on Environment and Public Works, Senate Report No. 96-848, 96th Cong., 2d Sess. 60 (1980)):

The priority lists serve primarily informational purposes, identifying for the States and the public those facilities and sites or other releases which appear to warrant remedial actions. Inclusion of a facility or site on the list does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. Subsequent government action in the form of remedial actions or enforcement actions will be necessary in order to do so, and these actions will be attended by all appropriate procedural safeguards.

The purpose of the NPL, therefore, is primarily to serve as an informational

and management tool. The initial identification of a site for the NPL is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of the public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The NPL also serves to notify the public of sites that EPA believes warrant further investigation.

Federal facility sites are eligible for the NPL pursuant to the NCP at 40 CFR 300.66(c)(2). However, section 111(e)(3) of CERCLA, as amended by SARA, limits the expenditure of CERCLA monies at Federally-owned facilities. Federal facility sites also are subject to the requirements of CERCLA section 120, added by SARA.

Implementation

There are three mechanisms for placing sites on the NPL. The principal mechanism is the application of the HRS. The HRS serves as a screening device to evaluate the relative potential of uncontrolled hazardous substances to cause human health or safety problems, or ecological or environmental damage. The HRS score is calculated by estimating risks presented in three potential "pathways" of human or environmental exposure: ground water, surface water, and air. Within each pathway of exposure, the HRS considers three categories of factors "that are designed to encompass most aspects of the likelihood of exposure to a hazardous substance through a release and the magnitude or degree of harm from such exposure": (1) Factors that indicate the presence or likelihood of a release to the environment; (2) factors that indicate the nature and quantity of the substances presenting the potential threat; and (3) factors that indicate the human or environmental "targets" potentially at risk from the site. Factors within each of these three categories are assigned a numerical value according to a set scale. Once numerical values are computed for each factor, the HRS uses mathematical formulas that reflect the relative importance and interrelationships of the various factors to arrive at a final site score on a scale of 0 to 100. The resultant HRS score represents an estimate of the relative "probability and magnitude of harm to the human population or sensitive environment from exposure to hazardous substances as a result of the contamination of ground water, surface water, or air" (47 FR 31180, July 16, 1982). Those sites that score 28.50 or greater on the HRS are eligible for the NPL.

Under the second mechanism for adding sites to the NPL, each State may designate a single site as its top priority, regardless of the HRS score. This mechanism is provided by section 105(a)(8)(B) of CERCLA, as amended, which requires that, to the extent practicable, the NPL include within the 100 highest priorities, one facility designated by each State as representing the greatest danger to public health, welfare, or the environment among known facilities in the State.

The third mechanism for listing, included in the NCP at 40 CFR 300.66(b)(4) (50 FR 37624, September 16, 1985), has been used only in rare instances. It allows certain sites with HRS scores below 28.50 to be eligible for the NPL if all of the following occur:

- The Agency for Toxic Substances and Disease Registry of the U.S. Department of Health and Human Services has issued a health advisory that recommends dissociation of individuals from the release.

- EPA determines that the release poses a significant threat to public health.

- EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

All sites in this update are being proposed for the NPL based on HRS scores.

Federal agencies have the primary responsibility under CERCLA section 120(c) for identifying Federal facility sites. In conjunction with EPA Regional Offices, the Federal agencies perform investigations, sampling, monitoring, and scoring of sites. Regional Offices then conduct a quality control review of the candidate sites. EPA Headquarters conducts further quality assurance audits to ensure accuracy and consistency among the various offices participating in the scoring. The Agency then proposes the sites that meet one of the three criteria for listing (and EPA's listing policies) and solicits public comments on the proposal. Based on these comments and further review by EPA, the Agency determines final scores and lists those sites that still qualify for the final NPL.

III. Statutory Requirements and Listing Policies

CERCLA restricts EPA's authority to respond to certain categories of releases of hazardous substances, pollutants, or contaminants by expressly excluding some substances from the definition of a release. In addition, CERCLA section 105(a)(8)(B) directs EPA to list priority sites "among" the known releases or

threatened releases of hazardous substances, pollutants, or contaminants, and section 105(a)(8)(A) directs EPA to consider certain enumerated and "other appropriate" factors in doing so. Thus, as a matter of policy, EPA has the discretion not to use CERCLA to respond to certain types of releases. For example, EPA has chosen not to list sites that result from contamination associated with facilities licensed by the Nuclear Regulatory Commission (NRC), on the grounds that the NRC has the authority and expertise to clean up releases from those facilities (48 FR 40661, September 8, 1983).

Sites proposed for the NPL in this update meet current eligibility requirements and listing policies. The NPL policies and requirements relevant to these Federal facility sites are discussed below.

Releases From Federal Facility Sites

On June 10, 1986 (51 FR 21054), the Agency announced a decision on components of a policy for the listing or the deferral from listing on the NPL of several categories of non-Federal sites subject to the Resource Conservation and Recovery Act (RCRA) Subtitle C corrective action authorities. The policy was intended to reflect RCRA's broadened corrective action authorities as a result of the Hazardous and Solid Waste Amendments of 1984 (HSWA). In announcing the RCRA policy, the Agency reserved for a later date the question of whether this or another policy would be applied to Federal facility sites that included one or more RCRA hazardous waste management units, and thus are subject to RCRA Subtitle C corrective action authorities.

On March 13, 1989 (54 FR 10520), the Agency announced a decision on components of a policy for placing on the NPL those sites located on Federally-owned or -operated facilities that meet the NPL eligibility requirements (e.g., an HRS score of 28.50 or greater) set out in the NCP, even if the Federal facility also is subject to the corrective action authorities of RCRA Subtitle C. Cleanup, if appropriate, could then be effected at those sites under either CERCLA or RCRA. The Agency's statement of this policy, and the rationale, are fully discussed at 54 FR 10520 (March 13, 1989).

The Agency believes that placing on the NPL Federal facility sites with or without RCRA-regulated hazardous waste management units is consistent with the intent of section 120 of SARA and will serve the purposes originally intended by the NCP at 40 CFR 300.66(e)(2)—to advise the public of the

status of Federal government cleanup efforts (50 FR 47931, November 20, 1985). In addition, listing will help other Federal agencies set priorities and focus cleanup efforts on those sites presenting the most serious problems.

Thus, the June 10, 1988, RCRA deferral policy (51 FR 21057), applicable to private sites, will not be applied to Federal facility sites.

Releases of Special Study Wastes

Sections 105(g) and 125 of CERCLA, as amended by SARA, require additional information before sites involving RCRA "special study wastes" can be proposed for the NPL (until revisions to the HRS are effected). Section 105(g) applies to sites that (1) were not on or proposed for the NPL as of October 17, 1986, and (2) contain sufficient quantities of special study wastes as defined under RCRA sections 3001(b)(2) [drilling fluids], 3001(b)(3)(A)(ii) [mining wastes], and 3001(b)(3)(A)(iii) [cement kiln dust]. Before these sites can be added to the NPL, SARA requires that the following information be considered:

- The extent to which the HRS score for the facility is affected by the presence of the special study waste at or released from the facility.

- Available information as to the quantity, toxicity and concentration of hazardous substances that are constituents of any special study waste at or released from the facility; the extent of or potential for release of such hazardous constituents; the exposure or potential exposure to human population and the environment, and the degree of hazard to human health or the environment posed by the release of such hazardous constituents at the facility.

Two sites in this proposed NPL update—the Feed Materials Production Center (USDOE), in Fernald, Ohio and Monticello Mill Tailings (USDOE) in Monticello, Utah—contain CERCLA section 105(g) special study wastes, specifically mining wastes. The Agency has prepared addenda for these two sites that evaluate the information called for in section 105(g). These addenda indicate that the special study wastes at the sites present a threat to human health and the environment, and that both sites should be proposed to the NPL. The addenda are available for review in the public docket.

Section 125 of CERCLA, as amended, addresses special study wastes described in RCRA section 3001(b)(3)(A)(i) [fly ash and related wastes]. No sites in this rule are subject to the provisions of section 125.

Releases From Mining Sites

The Agency's position is that mining wastes may be hazardous substances, pollutants, or contaminants under CERCLA and, therefore, mining waste sites are eligible for the NPL. This position was affirmed in 1985 by the United States Court of Appeals for the District of Columbia Circuit (*Eagle-Picher Industries, Inc. v. EPA*, 759 F.2d 922 (D.C. Cir 1985)).

The Agency's policy, prior to listing mining sites, is to consider whether they might be addressed satisfactorily using State-share monies from the Abandoned Mine Land Reclamation (AMLR) Fund under the response authorities of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). One noncoal mining site being proposed in this update, Feed Materials Production Center (USDOE) in Fernald, Ohio, does not meet the SMCRA eligibility criteria because it was active after the August 7, 1977, SMCRA enactment date. The other noncoal mining site being proposed, Monticello Mill Tailings (USDOE) in Monticello, Utah, potentially is eligible for SMCRA funds. However, available information suggests that the site will not be addressed under SMCRA in the foreseeable future. Thus, this site is being proposed for placement on the NPL, consistent with EPA policy. (See 54 FR 10512, 10514–10516 (March 13, 1989) and 54 FR 13300–13301, 13302 (March 31, 1989).) Information supporting EPA's position regarding the Monticello Mill Tailings (USDOE) site is available in the docket.

IV. Contents of Proposed NPL Update #9

Federal facility sites are placed in a separate section of the NPL. For this update, the Agency is proposing 52 Federal facility sites (Table 1), bringing the total number of such proposed sites to 74. Currently, 41 Federal facility sites are on the final NPL.

In addition to proposing new sites, EPA also is proposing to expand one final Federal facility site. Mather Air Force Base (AC&W Disposal Site), Sacramento, California, was placed on the final NPL on July 22, 1987 (52 FR 27620). Since then, EPA has determined that additional areas of the base are responsible for further contamination of the aquifer, and may be responsible for contamination off base. Consequently, EPA proposes to expand the original site and requests comment on the expanded site. The site would be renamed "Mather Air Force Base." EPA discussed the basis for site expansions in a final rule concerning Federal facility sites [54 FR 10512, March 13, 1989].

Each proposed site is placed by score in a group corresponding to groups of 50 sites presented within the final NPL. For example, a site in Group 8 of the proposed Federal facility update has a score that falls within the range of scores covered by the eighth group of 50 sites on the final NPL. The NPL is arranged by HRS score and is presented in groups of 50 to emphasize that minor differences in scores do not necessarily represent significantly different levels of risk.

In the past, each site entry was accompanied by one or more notations reflecting the status of response and cleanup activities at the site at the time this list was prepared. EPA now intends to acknowledge response activities conducted by potentially responsible parties with Federal or State oversight in a report, which will be available later this year. In the interim, information on activities at the new proposed sites is available upon request to the appropriate Regional Office.

V. Regulatory Impact Analysis

The costs of cleanup actions that may be taken at sites are not directly attributable to proposal to the NPL, as explained below. Therefore, the Agency has determined that this rulemaking is not a "major" regulation under Executive Order No. 12291. EPA has conducted a preliminary analysis of the economic implications of today's proposal to add new sites. EPA believes that the kinds of economic effects associated with this revision are generally similar to those identified in the regulatory impact analysis (RIA) prepared in 1982 for revisions to the NCP pursuant to section 105 of CERCLA (47 FR 31180, July 16, 1982) and the economic analysis prepared when amendments to the NCP were proposed (50 FR 5882, February 12, 1985). The Agency believes that the anticipated economic effects related to proposing the addition of these sites to the NPL can be characterized in terms of the conclusions of the earlier RIA and the most recent economic analysis. This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order No. 12291.

Costs

EPA has determined that this proposed rulemaking is not a "major" regulation under Executive Order No. 12291 because inclusion of a site on the NPL does not itself impose any costs. It does not establish that EPA necessarily will undertake remedial action, nor does it require any action by a private party

or determine its liability for site response costs. Costs that arise out of site responses result from site by-site decisions about what actions to take, not directly from the act of listing itself.

Benefits

The benefits associated with today's proposed amendment to add sites to the NPL are increased health and environmental protection as a result of increased public awareness of potential hazards.

As a result of the additional CERCLA remedies, there will be lower human exposure to high-risk chemicals, and higher-quality surface water, ground water, soil, and air. These benefits are expected to be significant, although difficult to estimate in advance of completing the Remedial Investigation/Feasibility Study at these particular sites. Associated with the costs of remedial actions are significant potential benefits and cost offsets. The distributional costs of carrying out remedies at sites on the NPL have corresponding "benefits" in that funds expended for a response generate

employment, directly or indirectly (through purchased materials).

VI. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act of 1980 requires EPA to review the effect of this action on small entities, or certify that the action will not have a significant impact on a substantial number of small entities. By small entities, the Act refers to small businesses, small governmental jurisdictions, and nonprofit organizations.

While proposed modifications to the NPL are considered revisions to the NCP, they are not typical regulatory changes since the revisions do not automatically impose costs. Proposing sites for the NPL does not in itself require any action by any party (e.g., contractors operating government-owned facilities), nor does it determine the liability of any party for the cost of cleanup at the site. Further, because today's proposed rule involves Federally-owned or -operated facilities, the number of small entities that could be affected by this proposal will be limited.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous materials, Intergovernmental relations, Natural resources, Oil pollution, Reporting and recordkeeping requirements, Superfund, Waste treatment and disposal, Water pollution control, Water supply.

Jonathan Z. Cannon,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

Date: July 6, 1989.

PART 300—[AMENDED]

It is proposed to amend 40 CFR Part 300 as follows:

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9605; 42 U.S.C. 9620; 33 U.S.C. 1321(c)(2), E.O. 11735, 38 FR 21243; E.O. 12580, 52 FR 2943.

Appendix B to Part 300—National Priorities List (By Rank) [Amended]

2. It is proposed to add the following sites by Group to the Federal Section of the National Priorities List, Appendix B of Part 300.

TABLE 1—NATIONAL PRIORITIES LIST, FEDERAL FACILITY SITES, PROPOSED UPDATE 9 (BY GROUP) JULY 1989

NPL Gr ¹	St	Site Name	City/County
2	ID	Mountain Home Air Force Base	Mountain Home.
2	OH	Feed Materials Prod Cent (USDOE)	Fernald.
2	WA	Bangor Naval Submarine Base	Silverdale.
3	WA	Bonneville Power Adm Ross (USDOE)	Vancouver.
4	ID	Idaho National Engin Lab (USDOE)	Idaho Falls.
4	TN	Oak Ridge Reservation (USDOE)	Oak Ridge.
5	CA	Treasure Island Nav Sta-Hun Pt An	San Francisco.
5	AK	Eielson Air Force Base	Fairbanks N Star Bor.
5	SC	Savannah River Site (USDOE)	Aiken.
6	AK	Standard Steel & Met Sal Yd (USDOT)	Anchorage.
6	MA	Otis Air Nat Guard/Camp Edwards	Falmouth.
6	AK	Elmendorf Air Force Base	Greater Anchorage Bo.
6	GA	Marine Corps Logistics Base	Albany.
7	CO	Air Force Plant PJKS	Waterton.
7	NJ	Picatinny Arsenal	Rockaway Township.
7	AK	Fort Wainwright	Fairbanks N Star Bor.
7	FL	Homestead Air Force Base	Homestead.
7	FL	Pensacola Naval Air Station	Pensacola.
8	CA	Fort Ord	Marina.
8	MA	Fort Devens	Fort Devens.
9	NY	Brookhaven National Lab (USDOE)	Upton.
9	TX	Longhorn Army Ammunition Plant	Karnack.
9	NJ	Federal Aviation Admin Tech Cent	Atlantic County.
9	NH	Pease Air Force Base	Portsmouth/ Newington.
9	WY	F.E. Warren Air Force Base	Cheyenne.
10	AZ	Luke Air Force Base	Glendale.
10	AZ	Williams Air Force Base	Chandler.
10	CA	Barstow Marine Corps Logist Base	Barstow.
10	PA	Tobyhanna Army Depot	Tobyhanna.
10	NY	Seneca Army Depot	Romulus.
11	UT	Monticello Mill Tailings (USDOE)	Monticello.
12	MA	Fort Devens-Sudbury Training Ann	Middlesex County.
12	WA	Fort Lewis Logistics Center	Tillicum.
12	OH	Mound Plant (USDOE)	Miamisburg.
12	RI	Davisville Naval Constr Batt Cent	North Kingstown.
12	ME	Loring Air Force Base	Limestone.
13	CA	Camp Pendleton Marine Corps Base	San Diego County.
13	KS	Fort Riley	Junction City.
14	CA	Edwards Air Force Base	Kern County.

TABLE 1—NATIONAL PRIORITIES LIST, FEDERAL FACILITY SITES, PROPOSED UPDATE 9 (BY GROUP) JULY 1989—Continued

NPL Gr ¹	St	Site Name	City/County
14	CA	George Air Force Base	Victorville.
14	RI	Newport Naval Educat/Training Cen	Newport.
14	FL	Jacksonville Naval Air Station	Jacksonville.
15	FL	Cecil Field Naval Air Station	Jacksonville.
15	CA	March Air Force Base	Riverside.
15	CA	Lawrence Livermore Lab-300 (USDOE)	Livermore.
15	CA	Tracy Defense Depot	Tracy.
16	MN	Naval Industrial Reserve Ordnance	Fridley.
16	MO	Weldon Spring Form Army Ord Works	St. Charles County.
16	NY	Plattsburgh Air Force Base	Plattsburgh.
17	IA	Iowa Army Ammunition Plant	Middletown.
17	CA	Travis Air Force Base	Solano County.
17	HI	Schofield Barracks	Oahu.

Number of Federal Facility Sites Proposed for Listing: 52

¹ Sites are placed in groups (Gr) corresponding to groups of 50 on the final NPL

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